

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

United States of America,

Plaintiff,

v.

James B. Panther, Jr.,

Defendant.

No. CR-19-00448-02-PHX-DLR

**FINDINGS AND RECOMMENDATION OF
THE MAGISTRATE JUDGE UPON A PLEA
OF GUILTY**

TO THE HONORABLE DOUGLAS L. RAYES, UNITED STATES DISTRICT JUDGE.

Upon Defendant's request to enter a plea of guilty pursuant to Rule 11, of the Federal Rules of Criminal Procedure, this matter came on for hearing before United States Magistrate Judge Michelle H. Burns on March 30, 2021, with the oral consents of Defendant, counsel for Defendant, and counsel for the United States of America. After consultation with counsel Defendant has orally consented on the record to proceed via video conference.

In consideration of that hearing and the statements made by the Defendant under oath on the record and in the presence of counsel, and the remarks of the Assistant United States Attorney and of counsel for Defendant,

I FIND as follows:

(1) that Defendant understands the nature of the charge to which Defendant pleads and the elements of the offense(s) to which Defendant is pleading guilty;

(2) that Defendant understands the right to trial by jury, to persist in a plea of not

1 guilty, to the assistance of counsel, and appointed counsel if necessary at trial and at every
2 other stage of the proceeding, to confront and cross-examine adverse witnesses, to testify
3 and present evidence, to compel the attendance of witnesses and the right against
4 compelled self-incrimination;

5 (3) that Defendant understands the maximum possible penalty for the offense to
6 which Defendant is pleading guilty, including imprisonment, fine and supervised release,
7 and where applicable, any mandatory minimum penalty; that Defendant understands the
8 effect of the supervised release term; that Defendant understands the Court's authority to
9 order restitution and its obligation to impose a special assessment and any applicable
10 forfeiture;

11 (4) that Defendant understands the Court's obligation to calculate the applicable
12 sentencing guideline range and to consider that range, possible departures under the
13 Sentencing Guidelines, and other sentencing factors under 18 U.S.C. § 3553(a); and that
14 Defendant understands that the sentencing guidelines are advisory, not mandatory, and that
15 the Court may sentence outside those guidelines;

16 (5) that the plea of guilty by Defendant has been knowingly, intelligently, and
17 voluntarily made and is not the result of force or threats or of promises apart from the plea
18 agreement between the parties;

19 (6) that Defendant is competent to plead guilty;

20 (7) that Defendant understands that statements under oath may later be used in a
21 prosecution for perjury or false statements;

22 (8) that Defendant understands that by pleading guilty Defendant is waiving the
23 right to a jury trial;

24 (9) that Defendant understands the terms of any plea agreement provision waiving
25 the right to appeal or to collaterally attack the sentence, and has knowingly, intelligently,
26 and voluntarily waived those rights;

27 (10) that Defendant is satisfied with the representation provided by defense counsel;

28 (11) that there is a factual basis for Defendant's plea;

